

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

MICHELLE LANE, *et al.*)
Plaintiffs,)
ERIC HOLDER, *et al.*,) Case No. 1:11-cv-00503-GBL-TRJ
Defendants.)

)

CONSENT MOTION TO EXTEND TIME TO RESPOND

Pursuant to Fed. R. Civ. P. 6(b)(1) and 7(b), defendant the District of Columbia hereby respectfully moves this Honorable Court to extend the time for the District to respond to the instant First Amended Complaint (“FAC”). In support of said motion, and for its good cause shown, the District states as follows:

1. On or about June 6, 2011, plaintiffs served on the District of Columbia the instant FAC, challenging provisions of the firearms laws and regulations of the United States, Virginia, and the District of Columbia. The other named defendants are Eric Holder, Attorney General of the United States, and W. Steven Flaherty, the Superintendent of the Virginia State Police.
2. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), the District’s answer or other response is due on or before June 27, 2011.
3. Due to the complexity of the legal and jurisdictional issues presented and the length of time needed to prepare an adequate response, defendant the District of Columbia respectfully submits that additional time to respond is necessary and will assist the Court in resolving the

issues presented by the FAC. Additionally, efficiency will be served by having all defendants respond on the same date.

4. Fed. R. Civ. P. 6(b)(1) permits an enlargement of time, such as that requested herein, "if a request is made, before the original time or its extension expires . . ." for good cause.

5. Accordingly, the District of Columbia respectfully requests that the deadline for responding to the FAC be extended to the time permitted to defendant Holder to respond to the original complaint pursuant to Fed. R. Civ. P. 12(a)(2) which, based on the date of service, is apparently July 11, 2011. On May 26, 2011, this Court granted a similar motion filed by defendant Flaherty.

6. This enlargement is not sought for any improper purpose, but to complete an appropriate submission for consideration by this Court. No party will be prejudiced, and the brief extension requested here will have no effect on any other deadlines. Moreover, opposing counsel has consented to the relief requested herein. A hearing on this consent motion is hereby waived.

7. A proposed order is attached to this consent motion.

Based on the above, the District respectfully requests that this Honorable Court enter an order pursuant to Fed. R. Civ. P. 6(b)(1), to extend the time for the District to file a response to the FAC to July 11, 2011.

DATE: June 13, 2011

Respectfully submitted,

/s/ Thomas L. Koger
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of June 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

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ORDER

Upon consideration of the District of Columbia's Consent Motion to Extend Time to Respond, the Memorandum of Points and Authorities in Support thereof, opposing counsel's consent thereto, the entire record herein, and it appearing that the relief should be granted, it is hereby:

ORDERED, that the District of Columbia's Consent Motion to Extend Time to Respond be, and hereby is, GRANTED, and it is

FURTHER ORDERED, that the District's response to the First Amended Complaint is due on or before July 11, 2011.

SO ORDERED.

DATE: _____

GERALD BRUCE LEE
United States District Judge